

Change of Zone 2751A

ORDINANCE NO. _____

1 AN ORDINANCE amending the Van Dorn Acres Planned Unit Development to
2 increase the number of multi-family dwelling units from 96 to 210 dwelling units, to increase the
3 commercial floor area uses allowed in the B-1 Local Business District from 10,000 square feet
4 to 33,000 square feet, including the sale of alcohol for consumption on and off the premises in
5 portions of buildings 9 and 10 that are within 100' of a residential district, provided the on-sale
6 alcohol for consumption on the premises is limited to businesses which derive more than 50%
7 of their gross receipts from food sales, and to waive prohibitions within the Land Subdivision
8 Ordinance and Zoning Code to allow a private sanitary ejector pump to serve the commercial
9 area, to allow tandem parking to meet the required parking, and to allow the maximum building
10 height for the multi-family structures to exceed 35 feet, on property generally located at the
11 southwest corner of 84th and Van Dorn Streets.

12 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

13 1. This permit approves a development plan consisting of 210 multi-family
14 dwelling units, 33,000 sq. ft. of service commercial floor area, for uses found in the B-1 Local
15 business District, including the sale of alcohol for consumption on and off the premises located
16 in those portions of Buildings 9 and 10 that are located 100 feet or more from a residential
17 building. The sale of alcohol for consumption on the premises shall be limited to businesses
18 which provide documentation satisfactory to the City that more than 50% of their gross business
19 receipts are derived from food sales. The development plan is for property generally located at
20 the southwest corner of S. 84th Street and Van Dorn Street and legally described as:

21 Block 4, Outlot A, Crown Pointe Estates Addition, located in the
22 Northeast Quarter of Section 3, Township 9 North, Range 7 East
23 of the 6th P.M., Lancaster County, Nebraska.

1 2. Prohibitions and requirements within the Land Subdivision Ordinance and
2 Zoning Code are waived to allow:

- 3 a. The use of a private sanitary ejector pump is approved for the
4 commercial buildings. The private ejector pump shall be
5 maintained by the developer, and designed to discharge into the
6 private sanitary sewer system located on site.
- 7 b. The use of tandem parking stalls to meet required parking stalls in
8 the amount shown on the approved plan.
- 9 c. An increase in building heights from 35' to up to 38' for the
10 multiple-family dwellings.

11 3. Before receiving building permits.

- 12 a. The Permittee must submit an acceptable, revised and
13 reproducible final plan including five copies to the Planning
14 Director.
- 15 b. The construction plans must conform to the approved plans.
- 16 c. Final Plats within the area of this Planned Unit Development must
17 be approved by the City.
- 18 d. The Permittee must obtain a Section 404 permit from the Army
19 Corps of Engineers for fill on this site, or provide documentation
20 that such a permit is not required.
- 21 e. Developer must provide escrow or security agreement for the
22 costs of constructing a traffic signal at 84th and Rockledge Road.
- 23 f. Show easements required by Lincoln Electric System; however,
24 easements will be avoided to not disrupt screening between the
25 multi-family and single family dwellings.

1 4. Before occupying the dwelling units all development and construction
2 must be completed in conformance with the approved plans.

3 5. All privately-owned improvements must be permanently maintained by
4 the owner or an appropriately established homeowners association approved by the City
5 Attorney.

6 6. The site plan approved by this permit shall be the basis for all
7 interpretations of setbacks, yards, locations of buildings, location of parking and circulation
8 elements, and similar matters.

9 7. The terms, conditions, and requirements of this resolution shall be
10 binding and obligatory upon the Permittee, their successors, and assigns. The building official
11 shall report violations to the City Council which may revoke the special permit or take such
12 other action as may be necessary to gain compliance.

13 8. The Permittee shall sign and return the City's letter of acceptance to the
14 City Clerk within 30 days following approval of the special permit, provided, however, said 30-
15 day period may be extended up to six months by administrative amendment. The City Clerk
16 shall file a copy of the resolution approving the special permit and the letter of acceptance with
17 the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ____ day of _____, 2003:

Mayor